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ABSTRACT

The Department of Education's (ED) Office for Civil Rights (OCR) enforces several statutes that protect the rights of beneficiaries in programs or activities that receive financial assistance from ED. These laws prohibit discrimination on the basis of race, color, and national origin (Title VI of the Civil Rights Act of 1964), sex (Title IX of the Education Amendments of 1972), handicap (Section 504 of the Rehabilitation Act of 1973), and age (Age Discrimination Act of 1975). This brochure delineates the requirements for recipients of federal funds to issue notices of nondiscrimination, clarifies the information that recipients should include in their nondiscrimination notices, and provides a sample notice of nondiscrimination. The brochure was designed to help recipients establish a notice of nondiscrimination that meets the requirements of the applicable regulations. The brochure also outlines the minor differences relating to the required content of notice nondiscrimination and the methods used to publish them. A list of regional OCR offices is included. (LMI)

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# NOTICE OF NONDISCRIMINATION

U.S. Department of Education
Office for Civil Rights
Washington, D.C.

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# NOTICE OF NONDISCRIMINATION

U.S. Department of Education
Office for Civil Rights
Washington, D.C. 20202-1100

APRIL 1991

## Introduction

The Department of Education's (ED), Office for Civil Rights (OCR) enforces several statutes that protect the rights of beneficiaries in programs or activities that receive financial assistance from ED. These laws prohibit discrimination on the basis of race, color, and national origin (Title VI of the Civil Rights Act of 1964), sex (Title IX of the Education Amendments of 1972), handicap (Section 504 of the Rehabilitation Act of 1973), and age (Age Discrimination Act of 1975).

This fact sheet delineates the requirements for recipients of federal funds to issue notices of nondiscrimination, clarifies the information that recipients should include in their nondiscrimination notices, and provides a sample notice of nondiscrimination. This fact sheet is designed to assist recipients in establishing a notice of nondiscrimination that meets the requirements of the applicable regulations.

## Notice of Nondiscrimination Requirements

The regulations implementing Title VI, Title IX and Section 504 contain requirements for recipients to issue notices of nondiscrimination.* (See 34 C.F.R. Sections 100.6(d), 106.9, and 104.8, respectively.)

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*At this time, ED follows the government-wide regulation for the Age Discrimination Act of 1975, which does not contain a notice requirement.

These regulations require that recipients notify beneficiaries and others that they do not discriminate on the basis of race, color, national origin, sex, and handicap. However, these regulations contain minor differences relating to the required content of recipient notices of nondiscrimination and the methods used to publish them.

The Title VI regulation requires recipients to notify beneficiaries and others of the regulatory provisions in a manner that a responsible Department official finds necessary to apprise such persons of their protections against discrimination under the statute and regulation.

The Title IX regulation and the Section 504 regulation both contain more detailed requirements that specify the information that must be included in a recipient notice of nondiscrimination. These regulations also require recipients to designate at least one employee to coordinate efforts to comply with and carry out responsibilities under Title IX and Section 504.

The Title IX regulation requires recipients to implement specific and continuing steps to apprise beneficiaries and others of the protections against discrimination on the basis of sex assured them by the Title IX statute and regulation. The notification must state that the requirement not to discriminate in educational programs and activities extend to employment and admission, and that inquiries concerning the regulation's application may be referred to the employee designated to coordinate Title IX compliance, or to the Assistant Secretary for



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Civil Rights. Recipients are required to include the name, address, and telephone number of the designated coordinator in its notification.

The Section 504 regulation requires a recipient employing 15 or more persons to implement appropriate, continuing steps to notify beneficiaries and others that the recipient does not discriminate on the basis of handicap in violation of the statute and regulation. The notification must state, where appropriate, that the recipient does not discriminate in admission, treatment, or access to its programs or activities. The notification also must state that the recipient does not discriminate in employment in its programs or activities. The employee designated to coordinate the recipient's efforts to comply with the Section 504 regulation must be identified in the notification.

Methods of Notification

In accordance with the Title IX and Section 504 regulations, notification may include posting of notices, publication in local newspapers, publication in newspapers and magazines operated by the recipient or students, publication in alumnae or alumni newspapers or magazines, or distribution of memoranda or other written communications to students and employees. In addition, recipients are required to include a statement of nondiscriminatory policy in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, beneficiaries, applicants, or employees. As noted in

the Section 504 regulation, recipients may meet this requirement either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications. The Title VI regulation does not specify the methods to be used by recipients in publishing notices of nondiscrimination.

Combined Requirements

OCR has recognized that there are variations among the regulations for notice requirements and understands that recipients may wish to use one statement to comply with requirements of the Title VI, Title IX, and Section 504 regulations. OCR encourages the coordination of efforts to comply with these notice requirements by combining the regulatory requirements of Title VI, Title IX, and Section 504 for a more reasonable compliance effort.

A combined nondiscrimination notice should contain two basic elements: (1) a statement of nondiscrimination on the bases of which OCR enforces civil rights statutes; and (2) identification by name or title, address and telephone number, of the employee or employees responsible for coordinating the recipient's compliance efforts. The following clarifies how these two elements may be stated correctly in a nondiscrimination notice and notes interpretations of the regulatory requirements that OCR has identified as acceptable:

- A recipient may state that it does not discriminate on the basis of race, color,



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national origin, sex, or handicap. The regulations do not require that a recipient identify the pertinent regulations by title. For example, it is not required that a recipient state that it complies specifically with Title VI, Title IX, and Section 504.

- The Title IX regulation requires a recipient to provide the name of the person responsible for its compliance effort in addition to the address and telephone number where that person may be contacted. However, OCR recognizes that the inclusion of a person's name in a non-discrimination notice may result in an overly burdensome requirement for republishing the notice if a person leaves the coordinator position. OCR considers it acceptable for a recipient to identify its coordinator by a position title.

- The Section 504 regulation does not require a recipient to specifically include the address or telephone number of the responsible employee assigned to coordinate its compliance efforts. However, OCR considers that identifying the responsible employee without information on how to contact that person does not constitute an effective notice. An acceptable nondiscrimination notice should provide information on how to contact the responsible employee as discussed in the preceding paragraph.

- Although the Section 504 and Title IX regulations indicate that recipients, where appropriate, shall specify nondiscrimination in the areas of admission and employment, OCR considers acceptable a general statement indicating that a recipient does not discriminate in any of its programs under the regulations enforced by OCR.

- The Title IX regulation indicates that inquiries concerning the application of the regulation may be referred to the coordinator or to the Assistant Secretary for Civil Rights. A recipient is not required to include both the responsible employee and the Assistant Secretary for Civil Rights in its notice. An acceptable notice may include either or both individuals' names or titles. If a recipient designates two different people to coordinate compliance with Section 504 and Title IX, both names or titles should be included in the notice.



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**Sample Notice of Nondiscrimination**

**The following sample notice of nondiscrimination meets the minimum requirements of the regulations enforced by OCR:**

**The (Name of recipient) does not discriminate on the basis of race, color, national origin, sex, or handicap in its programs and activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies:**

**Name and/or Title** _____

**Address** _____

**Telephone No.** _____

**Name and/or Title*** _____

**Address** _____

**Telephone No.** _____

***For use when more than one official has been designated to coordinate civil rights compliance.**

**Region I**

**Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont**

**Office for Civil Rights, Region I**
**U.S. Department of Education**
**J.W. McCormack Post Office and Courthouse, Room 222, 01-0061**
**Boston, MA 02109-4557**
**(617) 223-9662; TDD (617) 223-9695**

**Region II**

**New Jersey, New York, Puerto Rico, Virgin Islands**

**Office for Civil Rights, Region II**
**U.S. Department of Education**
**26 Federal Plaza, 33rd Floor,**
**Room 33-130, 02-1010**
**New York, NY 10278-0082**
**(212) 264-4633; TDD (212) 264-9464**

**Region III**

**Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia**

**Office for Civil Rights, Region III**
**U.S. Department of Education**
**3535 Market Street, Room 6300, 03-2010**
**Philadelphia, PA 19104-3326**
**(215) 596-6772; TDD (215) 596-6794**

**Region IV**

**Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee**

**Office for Civil Rights, Region IV**
**U.S. Department of Education**
**Post Office Box 2048, 04-3010**
**Atlanta, GA 30301-2048**
**(404) 331-2954; TDD (404) 331-7816**

**Region V**

**Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin**

**Office for Civil Rights, Region V**
**U.S. Department of Education**
**401 South State Street, Room 700C, 05-4010**
**Chicago, IL 60605-1202**
**(312) 886-3456; TDD (312) 353-2541**

**Region VI**

**Arkansas, Louisiana, Mississippi, Oklahoma, Texas**

**Office for Civil Rights, Region VI**
**U.S. Department of Education**
**1200 Main Tower Building, Suite 2260, 06-5010**
**Dallas, TX 75202-9998**
**(214) 767-3959; TDD (214) 767-3639**

**Region VII**

**Iowa, Kansas, Kentucky, Missouri, Nebraska**

**Office for Civil Rights, Region VII**
**U.S. Department of Education**
**10220 North Executive Hill Boulevard, 8th Floor**
**Kansas City, MO 64153-1367**
**(816) 891-8026; TDD (816) 374-6461**

**Region VIII**

**Arizona, Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, Wyoming**

**Office for Civil Rights, Region VIII**
**U.S. Department of Education**
**Federal Building, Suite 310, 08-7010**
**1244 Speer Boulevard**
**Denver, CO 80204-3582**
**(303) 844-5695; TDD (303) 844-3417**

**Region IX**

**California**

**Office for Civil Rights, Region IX**
**U.S. Department of Education**
**Old Federal Building**
**50 United Nations Plaza, Room 239, 09-8010**
**San Francisco, CA 94102-4102**
**(415) 556-7000; TDD (415) 556-6806**

**Region X**

**Alaska, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, Trust Territory of the Pacific Islands**

**Office for Civil Rights, Region X**
**U.S. Department of Education**
**915 Second Avenue, Room 3310, 10-901**
**Seattle, WA 98174-1099**
**(206) 553-6811; TDD (206) 553-4542**

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